

**Veronica L. Manolio**

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**From:** Van Der Weele, Philip <phil.vanderweele@klgates.com>  
**Sent:** Sunday, November 22, 2020 6:24 PM  
**To:** Veronica L. Manolio; Jamison R. McCune  
**Cc:** Wyant, Christopher M.; Halter, Julie Anne; White, Elizabeth H.  
**Subject:** RE: POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Hi Veronica,

I am not going to catalogue here all my disagreements with your November 20 email below, because (1) my November 6 and November 13 emails speak for themselves; and (2) the fact remains that you made no attempt whatsoever to respond to either my November 6 or November 13 emails until I sent you an email on November 20.

Turning to an issue raised by your November 20 email that does require further discussion, I am unclear what you mean by the term "discovery responses." If you are referring to a written response to PBI's First Request for Documents, please be advised that no such written response is necessary, because POA has waived all objections. All that remains is for you to provide the "fulsome" production promised in your November 6 email. Similarly, if you are referring to a written response to PBI's First Set of Interrogatories other than answering the interrogatories themselves, no such response is necessary, because, again, POA has waived all objections.

If, by "discovery responses" you mean the actual production of documents, it is fine if you would like to produce them on a rolling basis. Please ensure that each such production indicates to which request(s) the produced documents are responsive, or, if the documents are being produced as kept in the ordinary course of business, please provide the requisite custodial/source information. And I still would like to have an idea of when you anticipate completing the production.

Likewise, with respect to the answers to the interrogatories, I would like to get an idea from you on when you will be providing the answers and the sworn certification.

I look forward to hearing from you promptly.

Regards,  
Phil

**From:** Veronica L. Manolio <vmanolio@mf-firm.com>  
**Sent:** Friday, November 20, 2020 3:03 PM  
**To:** Van Der Weele, Philip <phil.vanderweele@klgates.com>; Jamison R. McCune <McCune@bodyfeltmount.com>

**Cc:** Wyant, Christopher M. <Christopher.Wyant@klgates.com>; Halter, Julie Anne <julianne.halter@klgates.com>; White, Elizabeth H. <Elizabeth.White@klgates.com>

**Subject:** RE: POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Hi Philip,

I am sorry you are taking this approach and particularly disappointed at your "local counsel" comment. I fully understand the standard of conduct that are expected, and I also understand professionalism and courtesy. That is precisely why I let you know IN ADVANCE that my POA Rep would be unavailable all of last week and that I needed your understanding. I couldn't give you an exact date/deadline when you demanded answers, because I did not have the ability to do so.

When you wrote last Friday, I was also out of town. And this week has been nuts. Nonetheless, your threat of a Motion to Compel is unnecessary and unwarranted. I will get together with POA and have discovery responses to you early in the week. If you want responses delivered before all the documentation can be secured, no problem. If additional documents are discovered, we'll continue to produce as we can. I strongly disagree with your suggestion that your requests were "narrowly tailored" – you asked for everything under the sun and then suggest it should be easy to produce quickly.

But I am not going to engage with you in needless discovery "disputes" where none exist. I feel your posturing, particularly when you include 4 lawyers in your firm to address a simple issue.

Have a good weekend, and I will get you Responses early next week.

*Veronica*



8686 E. San Alberto Drive, Suite 200  
Scottsdale, Arizona 85258  
(480) 222-9100

**From:** Van Der Weele, Philip <[phil.vanderweele@klgates.com](mailto:phil.vanderweele@klgates.com)>

**Sent:** Friday, November 20, 2020 12:38 PM

**To:** Veronica L. Manolio <[vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)>; Jamison R. McCune <[McCune@bodyfeltmount.com](mailto:McCune@bodyfeltmount.com)>

**Cc:** Wyant, Christopher M. <[Christopher.Wyant@klgates.com](mailto:Christopher.Wyant@klgates.com)>; Halter, Julie Anne <[julianne.halter@klgates.com](mailto:julianne.halter@klgates.com)>; White, Elizabeth H. <[Elizabeth.White@klgates.com](mailto:Elizabeth.White@klgates.com)>

**Subject:** RE: POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Dear Veronica,

You have not responded to my two emails below, which go back to November 6.

POA has not produced any documents or answered PBI's interrogatories.

You have not given any indication of when POA will be providing your promised "fulsome responses" to PBI's discovery requests.

I suggest that at some point you talk to your local counsel about the standard of conduct expected of attorneys practicing in federal court here in Oregon.

In the meantime, please let me know your availability for a phone call next week to discuss the situation, which phone call serve, among other things, as the required meet and confer in advance of my filing a motion to compel.

I look forward to hearing from you.

Regards,  
Phil

**From:** Van Der Weele, Philip

**Sent:** Friday, November 13, 2020 11:17 AM

**To:** 'Veronica L. Manolio' <[vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)>; 'Jamison R. McCune' <[McCune@bodyfeltmount.com](mailto:McCune@bodyfeltmount.com)>

**Cc:** Wyant, Christopher M. <[Christopher.Wyant@klgates.com](mailto:Christopher.Wyant@klgates.com)>; Halter, Julie Anne <[julianne.halter@klgates.com](mailto:julianne.halter@klgates.com)>;

White, Elizabeth H. <[Elizabeth.White@klgates.com](mailto:Elizabeth.White@klgates.com)>

**Subject:** RE: POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Hi Veronica,

I am writing to follow up on my email below, to which you have not responded.

Taking the issues in reverse order, POA has not served on PBI written responses to either PBI's First Request for Production of Documents or to PBI's First Set of Interrogatories. Because such written responses were due on November 9, POA has waived any objections to the document requests and to the interrogatories.

Next, please advise as to when PBI will receiving the fulsome document production and fulsome responses to the interrogatories per your November 6 email.

Thank you,  
Phil

**From:** Van Der Weele, Philip

**Sent:** Friday, November 06, 2020 5:16 PM

**To:** 'Veronica L. Manolio' <[vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)>; Jamison R. McCune <[McCune@bodyfeltmount.com](mailto:McCune@bodyfeltmount.com)>

**Cc:** Wyant, Christopher M. <[Christopher.Wyant@klgates.com](mailto:Christopher.Wyant@klgates.com)>; Halter, Julie Anne <[julianne.halter@klgates.com](mailto:julianne.halter@klgates.com)>;

White, Elizabeth H. <[Elizabeth.White@klgates.com](mailto:Elizabeth.White@klgates.com)>

**Subject:** RE: POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Hi Veronica,

Thank you for your email. In response:

1. I am willing to discuss with you a reasonable extension of time for POA to actually produce its documents, but I would, of course, like to hone in a specific date.
2. I infer from your email - but I want to get explicit confirmation - that POA is not planning on objecting to any of PBI's document requests or interrogatories. PBI was careful to narrowly tailor its requests, so I don't think that anything is objectionable. If, however, you are planning to object to any of the document requests or interrogatories, I want to see those objections in writing on November 9 as required. (I don't need to see boilerplate objections on producing privileged documents, b/c we aren't asking for privileged docs in the first place, or that you reserve the right to designate documents as subject to a PO b/c you already have that right, and we already have a SPO in place.)

Please let me know if you have dates or want to discuss dates on my point 1, and please let me know if you have any questions regarding my point 2.

Regards,  
Phil

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**From:** Veronica L. Manolio <[vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)>

**Sent:** Friday, November 06, 2020 4:20 PM

**To:** Van Der Weele, Philip <[phil.vanderweele@klgates.com](mailto:phil.vanderweele@klgates.com)>; Jamison R. McCune <[McCune@bodyfeltmount.com](mailto:McCune@bodyfeltmount.com)>

**Cc:** Wyant, Christopher M. <[Christopher.Wyant@klgates.com](mailto:Christopher.Wyant@klgates.com)>; Halter, Julie Anne <[julianne.halter@klgates.com](mailto:julianne.halter@klgates.com)>; White, Elizabeth H. <[Elizabeth.White@klgates.com](mailto:Elizabeth.White@klgates.com)>

**Subject:** RE: POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Hi Philip,

I wanted to reach out to you in advance of the due date for discovery to let you know that POA will need a little additional time. I have been working with POA's in-house counsel (Andrew Salgado), and we are absolutely working on securing documents and providing fulsome responses to your discovery. Unfortunately, Mr. Salgado is out of the office for several days next week for annual meetings. We were unable to complete everything by today, so I am without "hands on" help next week.

We will resume the document search and responses as soon as he's back in the office, but I will need a brief extension of time. I just wanted to let you know in advance, and I thank you for your anticipated cooperation.

Sincerely,

*Veronica*



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(480) 222-9100

**From:** Van Der Weele, Philip <[phil.vanderweele@klgates.com](mailto:phil.vanderweele@klgates.com)>

**Sent:** Friday, October 9, 2020 4:33 PM

**To:** Veronica L. Manolio <[vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)>; Jamison R. McCune <[McCune@bodyfeltmount.com](mailto:McCune@bodyfeltmount.com)>

**Cc:** Wyant, Christopher M. <[Christopher.Wyant@klgates.com](mailto:Christopher.Wyant@klgates.com)>; Halter, Julie Anne <[julianne.halter@klgates.com](mailto:julianne.halter@klgates.com)>;  
White, Elizabeth H. <[Elizabeth.White@klgates.com](mailto:Elizabeth.White@klgates.com)>

**Subject:** POA v. PBI/ Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories

Hi Veronica and Jamison,

I am attaching service copies, in both Word and PDF, as required by applicable rules, of Defendants' First Set of Interrogatories and Defendants' First Request for Production of Documents. I am also attaching a PDF of Exhibit A to the First Request for Documents.

I am also attaching the PDF containing K&L Gates' production specifications. These are what Julie Anne emailed to you on September 24, and they are incorporated by reference in the First Request.

Please let me know if you have any questions.

Regards,  
Phil



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*2019 Panel Member, American Arbitration Association*

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